

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ANNA GONZALEZ and RONALD K. PAGE,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

STATE FARM LIFE INSURANCE
COMPANY,

Defendant.

Civil Action No. SA-20-CV-617-FB

**UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

Plaintiffs Anna Gonzalez and Ronald K. Page (“Plaintiffs”) hereby file this Unopposed Motion for Leave to File First Amended Consolidated Class Action Complaint¹ and state as follows:

1. On May 11, 2020, Plaintiff Page filed a class action lawsuit against State Farm Life Insurance Company (“State Farm”) in the Southern District of Texas, Corpus Christi Division. *See Page v. State Farm Life Ins. Co.*, No. 2:20-cv-00110, Doc. 1 (S.D. Tex. May 11, 2020).

2. On May 22, 2020, Plaintiff Gonzalez filed the instant class action lawsuit against State Farm in this Court. *See* Doc. 1.

3. On June 19, 2020, State Farm moved to transfer the *Page* lawsuit to this Court. *See Page*, Doc. 18. Plaintiff Page did not oppose the motion to transfer under 28 U.S.C. § 1404(a) to

¹ The proposed First Amended Consolidated Class Action Complaint is attached hereto as Exhibit A.

avoid duplicative litigation proceeding in two different forums. *Id.*, Doc. 22. Accordingly, the Southern District of Texas transferred the *Page* lawsuit to this Court pursuant to 28 U.S.C. § 1404(a). *Id.*, Doc. 25.

4. On August 17, 2020, State Farm filed an unopposed motion to consolidate the two lawsuits. *See* Doc. 41. This Court recognized that “both cases are nearly identical and involve the same defendant and a common question of law and fact,” and thus, consolidated the cases. *See* Doc. 42.

5. On December 15, 2020, Plaintiffs filed an unopposed motion for leave to file a consolidated class action complaint. Doc. 62. The following day the Court granted the unopposed motion, and the Clerk filed the consolidated class action complaint. Doc. 64.

6. On December 18, 2020, the Court entered a Scheduling Order that set a deadline for the parties to file motions to amend or supplement pleadings by March 1, 2021. Doc. 67 at ¶ 3.

7. On December 21, 2020, Plaintiffs provided the applicable written notice to Defendant pursuant to the Texas Business & Commerce Code section 17.41 *et seq.*, and the Texas Insurance Code, Texas Insurance Code section 541 *et seq.*, which are prerequisites to filing claims for damages under these sections.

8. Because more than 60 days have elapsed since Plaintiffs provided Defendant written notice and the alleged violations of the Texas Insurance Code and Texas Deceptive Trade Practices-Consumer Protection Act have not been remedied, Plaintiffs respectfully request leave to amend their consolidated complaint to include claims for violations of the Texas Insurance Code and Texas Deceptive Trade Practices-Consumer Protection Act, and for breach of the duty of good faith and fair dealing.

9. Rule 15 states, in relevant part, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). Plaintiffs’ counsel conferred with State Farm’s counsel on February 24, 2021. State Farm’s counsel stated that State Farm does not oppose the filing of Plaintiff’s First Amended Consolidated Class Action Complaint that includes additional claims for breach of the duty of good faith and fair dealing and violations of the Texas Insurance Code and Texas Deceptive Trade Practices-Consumer Protection Act. State Farm confirmed its non-opposition in writing. Thus, this motion is filed as unopposed.

Accordingly, Plaintiffs respectfully request that this unopposed motion be granted, and that leave is granted to file the First Amended Consolidated Class Action Complaint attached hereto as Exhibit A.²

² In accordance with Rule CV-7(b), if this unopposed motion for leave is granted, the Clerk will promptly file the First Amended Consolidated Class Action Complaint.

Dated: March 1, 2021

Respectfully submitted,

STUEVE SIEGEL HANSON LLP

/s/ Ethan M. Lange

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Attorneys for Plaintiffs Ronald K. Page and Anna Gonzalez

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2021, I caused a true and correct copy of the foregoing to be filed on the Court's CM/ECF system, which served notice on all counsel of record.

/s/ Ethan M. Lange
Ethan M. Lange

CERTIFICATE OF CONFERENCE

I hereby certify that on February 24, 2021, I conferred with counsel for State Farm regarding the aforementioned motion. Counsel for State Farm stated that State Farm does not oppose the filing of the First Amended Consolidated Class Action Complaint. State Farm's counsel confirmed State Farm's non-opposition in writing. Accordingly, this motion is filed as unopposed.

/s/ Ethan M. Lange
Ethan M. Lange